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Mark M. A. F.

October 23, 2003

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Date

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OCT 23 2003

PETITIONS OFFICE

FACSIMILE COVER SHEET

To: Alesia M. Brown, Senior Petitions Attorney FAX No.: 703-308-6916

Group Art Unit:

Date: October 22, 2003

From: Clark A. Jablon, Esq.

FAX Operator:

Re: U.S. Patent Application No. 09/428,033

**Title of Papers sent via Facsimile: (1) Request for Reconsideration of Petition
Under 37 CFR 1.47(a)**

**(2) Supplemental Statement of Facts in Support of Filing
on Behalf of Nonsigning Inventor (37 CFR 1.47(a))**

Time: _____

Akin Gump File No: 9870-15US

Page 1 of ____ pages

**IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CONTACT
CLARK JABLON AT 215-965-1293**

See the enclosed papers.

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#17

MAIL STOP PETITION

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: 2635
William F. Gallagher, III, et al. :
Appln. No.: 09/428,033 : Senior Petitions Attorney:
Filed: October 27, 1999 : Alesia M. Brown
For: ANTI COLLISION PROTOCOL WITH FAST : Examiner: E. Holloway III
READ REQUEST AND ADDITIONAL :
SCHEMES FOR READING MULTIPLE : Attorney Docket
TRANSpondERS IN AN RFID SYSTEM : No. 9870-15US
FAX RECEIVED
OCT 23 2003

PETITIONS OFFICE
REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

This request is being filed in response to a Decision Refusing Status under 37 CFR 1.47(a) mailed September 30, 2003 (Paper No. 16), hereafter, referred to as "the Decision." This request is being timely filed within two months of the mail date.

The Decision alleged that the original petition lacked (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers, and (2) an acceptable oath or declaration in compliance with 35 USC 115 and 116.

Applicants believe that the originally filed petition paper sufficiently comply with both of these requirements. A "Statement of Facts..." was filed with the original petition that documents the efforts made to reach the non-signing inventor. Also, declarations were filed in accordance with 35 USC 115 and 116.

On October 16, 2003, a telephone conversation was held between Senior Petitions Attorney Alesia M. Brown (hereafter, "the Petitions Attorney") and the undersigned representative regarding the Decision. During the phone conversation, the previous unsuccessful efforts to locate Benedetti were reviewed including sending the appropriate application papers to Benedetti's last known address, and even sending the application papers to a Swiss address

where joint inventor Inui stated that he could be reached. See page 2 of the "Statement of Facts in Support of Filing on Behalf of Nonsigning Inventor" filed on February 28, 2000.

The Petitions Attorney stated that her sole reason for denying the petition was that it appeared that insufficient efforts were made to locate the non-signing inventor. The Petitions Attorney further provided the following address in the Decision that Lexis.com EZFIND listed as an alleged recent residence of Benedetti:

44 Treaty Elm Lane
#10INUI
Haddonfield, New Jersey 08033-3414

The Petitions Attorney stated that additional Internet searching should be conducted and that the search results should be provided in any subsequently filed Request for Reconsideration. The Petitions Attorney stated that if the results of the additional searching shows that there is no current U.S. address where Benedetti is likely to be found, then the petition will likely be granted.

During the phone call, the undersigned representative also noted that the Lexis.com address is identical to the previous address of joint inventor Inui who was a work colleague of Benedetti at Checkpoint Systems, Inc. (the assignee of this patent application). The clear implication of this fact is that Inui allowed Benedetti to receive mail at his (Inui's) home address after Benedetti moved from his original residence by using the designation "#10INUT" as part of Inui's home address. Alternatively, the designation #10INUI might be a code inserted into the address by Lexis.com and it may not have actually formed part of the address that was used by Benedetti. Inui is also no longer employed by Checkpoint Systems.

Based on the results of additional searching conducted on October 20, 2003 and described in the accompanying "Supplemental Statement of Facts..." (summarized below – the appendices are attached to the "Supplemental Statement of Facts..."), it appears that neither Inui nor Benedetti are living at their last known addresses. It also appears that Benedetti is not locatable within the United States, assuming that he is even still in the United States.

Two Internet-based databases were searched to attempt to locate Benedetti and to confirm that he is not locatable at either his last known address or the address located by the Petitions Attorney. A first search was performed on a free website, WhitePages.com, which includes all

currently listed telephone numbers and addresses in the United States. A second series of searches were performed on a fee-based database called USSearch™. The search was conducted using the "3 Hour Unlimited Instant People Locate Search." (Appendix A).

The search results from WhitePages.com show that no records exist for "Riccardo Benedetti" (Appendix B). The search results from USSearch also show that no records exist for "Riccardo Benedetti" (Appendix C).

Using the "Search by Address" feature of USSearch, Benedetti's last known address of 3312 Avalon Court, Voorhees, NJ was searched. The search results show three names other than Benedetti as being associated with that address, specifically, Cathy Stankiewicz, Joseph Stankiewicz, and Stephanie Wright (Appendix D). A search on WhitePages.com shows that C. Stankiewicz has an address at 3312 Avalon Court, Voorhees, NJ (Appendix E). Thus, it appears that it would not be fruitful to remail the application papers to Benedetti's last known U.S. address since the Stankiewicz family appears to now live at this address. A telephone call was made on October 21, 2003 to the phone number in WhitePages.com associated with this address (856-988-0714, changed to 856-768-0624) but no respondent could be reached.

Using the "Search by Address" feature of USSearch, another search was made of Inui's last known address of 44 Treaty Elm Lane, Haddonfield, New Jersey. The search results show four names other than Inui as being associated with that address, namely, David Fennimore, J.M. Price, Michael Price and Mike Price (Appendix F). A search on WhitePages.com shows that David Fennimore has an address of 44 Treaty Elm Lane, Haddonfield, New Jersey. Thus, it appears that the Lexis.com address located by the Petitions Attorney is not a current address for Benedetti and therefore it would not be fruitful to mail the application papers to Inui's last known U.S. address since David Fennimore's family now appears to live at this address. A telephone call was made on October 21, 2003 and October 22, 2003 to the phone number in WhitePages.com associated with this address (856-428-4821) but no respondent could be reached.

These additional efforts are believed to be responsive to the request made by the Petitions Attorney for subsequent searching. Accordingly, it is respectfully requested that the petition under 37 CFR 1.47(a) be granted.

Respectfully submitted,

WILLIAM F. GALLAGHER III et al.

October 23, 2003
(Date)

By:

Clark Jablon

CLARK A. JABLON
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Enclosure (Supplemental Statement of Facts...)

7071266 v1

MAIL STOP PETITION

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of : Group Art Unit: 2635
William F. Gallagher, III, et al. :
Appln. No.: 09/428,033 : Senior Petitions Attorney:
: Alesia M. Brown
Filed: October 27, 1999 : Examiner: E. Holloway III
For: ANTICOLLISION PROTOCOL WITH FAST : Attorney Docket
READ REQUEST AND ADDITIONAL : No. 9870-15US
SCHEMES FOR READING MULTIPLE :
TRANSPONDERS IN AN RFID SYSTEM :
FAX RECEIVED
OCT 23 2003

SUPPLEMENTAL STATEMENT OF FACTS IN SUPPORT OF PETITION
ON BEHALF OF NONSIGNING INVENTOR (37 CFR 1.47(a))

This statement is being submitted for the above-identified application.

This statement supplements the statement of facts filed on February 28, 2000. This supplemental statement is made as to the exact facts that are relied upon to further establish the diligent effort made to secure the execution of the declaration of the nonsigning joint inventor Riccardo Benedetti (hereafter, "Benedetti") for the above-identified patent application.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Clark A. Jablon, Esq.
Akin Gump Strauss Hauer & Feld LLP
One Commerce Square
2005 Market Street, 22nd Floor
Philadelphia, PA 19103

**ADDITIONAL EFFORTS TO IDENTIFY THE LAST KNOWN
ADDRESS OF NONSIGNING INVENTOR**

1. Two Internet-based databases were searched to attempt to locate Benedetti and to confirm that he is not likely to be locatable at either his last known address or the "44 Treaty Elms Lane" address noted in the petition decision dated September 30, 2003.

2. A first search was performed on a free website, WhitePages.com, which includes all currently listed telephone numbers and addresses in the United States. A second series of searches were performed on a fee-based database called USSearch™. The search was conducted using the "3 Hour Unlimited Instant People Locate Search." (Appendix A).

3. The search results from WhitePages.com show that no records exist for "Riccardo Benedetti" (Appendix B). The search results from USSearch also show that no records exist for "Riccardo Benedetti" (Appendix C).

4. Using the "Search by Address" feature of USSearch, Benedetti's last known address of 3312 Avalon Court, Voorhees, NJ was searched. The search results show three names other than Benedetti as being associated with that address, specifically, Cathy Stankiewicz, Joseph Stankiewicz, and Stephanie Wright (Appendix D). A search on WhitePages.com shows that C. Stankiewicz has an address at 3312 Avalon Court, Voorhees, NJ (Appendix E). A telephone call was made on October 21, 2003 to the phone number in WhitePages.com associated with this address (856-988-0714, changed to 856-768-0624) but no respondent could be reached.

5. Using the "Search by Address" feature of USSearch, another search was made of Inui's last known address of 44 Treaty Elm Lane, Haddonfield, New Jersey. The search results show four names other than Inui as being associated with that address, namely, David Fennimore, J.M. Price, Michael Price and Mike Price (Appendix F). A search on WhitePages.com shows that David Fennimore has an address of 44 Treaty Elm Lane, Haddonfield, New Jersey (Appendix G). Telephone calls were made on October 21, 2003 and October 22, 2003 to the phone number in WhitePages.com associated with this address (856-428-4821) but no respondent could be reached.

October 23, 2003
(Date)

By: Clark Jabolon
(Signature of person making this statement)
CLARK A. JABLON
Registration No. 35,039
Attorney for Applicants

7071280 v1

APPENDIX A



Consumer Services Business Services

The Worldwide Leader in Public 1

Riccardo Benedetti

Home
All Products
Member Services

3 Hour Unlimited Instant People Locate Search

*GUA
NO RESULTS

3 hours of unlimited searches. Multiple searches from our self-service database at one low price.

Sample Report

Next

Here's what we search for:

- Complete addresses
- Full reported name (First and Last, Middle name or Initial if available)
- Phone numbers (if available)
- Results on your screen within seconds
- Search over 200,000,000 records instantly!
- Features SmartSearch and SmartResults technology!

Self service search
Limited databases
Available Internet only

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persons un
18. Please
Consumer,
Agreement
details.

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services.

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APPENDIX A

US Search.com Confirm Order

*The Worldwide Leader in Public 1*

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Need Expert Assistance?
1-800-US-SEARCH
 (1-800-877-3272)
 Mon - Fri: 8am - 10pm PST
 Sat - Sun: 7am - 8pm PST

Order Reference Information**Thank you for your order!**

- A copy of this receipt has been emailed to the address provided
- The results of your search will be emailed to:
cjablon@akingump.com
- This page is your receipt, be sure to write down your Order Tracking and Order Numbers ([or print this page](#)) for your records.

Order Tracking #:T78F191
Order Confirmation #:71706780

Item Ordered**3 Hour Unlimited Instant People Locate Search****Total Charge For All Searches**

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 orde
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 Clic
 to Sear

To begin your Unlimited Access just follow these simple instructions:

1. Use your **Username** and **Password** (provided below) to login to the Unlimited Se

Username: cjabu519b**Password:** Jabl22bu

2. [Click this link to go to the Member Login Page and begin searching.](#)

[Click here to claim your FREE
 for your pi](#)



Jablon, Clark

From: US Search [confirmation@ussearch.com]
Sent: Monday, October 20, 2003 9:33 PM
To: Jablon, Clark
Subject: Order Confirmation

Dear Clark Jablon,

Thank you for your order with US SEARCH. Your order was received on 10/20/2003 06:32:31 PM PDT. Your order summary follows:

You have chosen the following item(s):

Product/Service Ordered: 3 Hour Unlimited Instant People Locate Search

This account will remain active for 3 hours from the time that you first log in to use the tool. With US SEARCH's Unlimited service, you can search by name or by address performing as many searches as you wish during the activated 3-hour period.

Click [here](#) to immediately access your account.

You can also access your account by visiting <http://www.ussearch.com>. Click on the [MEMBER LOG-IN] button and log in with your chosen Username and Password. These are as follows:

Username: cjabu519b
Password: Jabl22bu

For future reference, please print this page or record the following order confirmation and tracking numbers:
Order Confirmation #: 71706780 / Order Tracking #: T78F191

To thank you for your order, we're extending a special offer for a **[FREE Online Credit Report!](#)**

You'll get:

- A **FREE** online personal Credit Report from Experian; and
- A 30-day trial of CreditCheck Monitoring Service from Qspace.com.

[Click here for a FREE instant Credit Report!](#)

If you have any questions, please contact US SEARCH Customer Service at cservice@ussearch.com or by phone at (877) 327-2450. So that we may better assist you, please have your Order Confirmation Number available.

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(1-800-877-3272)
Mon - Fri: 6am - 10pm PST
Sat - Sun: 7am - 8pm PST

People Search



US SEARCH can help you reunite with lost family members, friends, and Review the features, scan the sample reports, and select the product that you.

Expert Assisted People Locate

[Detail](#)

Our most comprehensive search: complete details from our entire network of public record databases.



Here's what we search for:

- Current address and up to 10 year history with available listed phone numbers!
- Relatives, roommates and neighbors
- Bankruptcies
- Tax liens *
- Small Claims Civil Judgments *
- Real property ownership and value *
- Expert specialists select the best databases to get you results

[More information](#)

* [Check Availability](#)

Expert Assisted People Locate Plus

[Detail](#)

Our most comprehensive search plus: Search our entire network of public record data a statewide Department of Corrections search plus a free comprehensive nationwide



Here's what we search for:

- Comprehensive Locate Search includes:
Current address and up to 10 year history with listed phone numbers
Relatives, roommates and neighbors
Bankruptcies, Tax Liens and Small Claims Civil Judgments *
- Statewide Department of Corrections Search includes:
Last state of residence searched, case number, charge, period of incarceration
Current parole status with parole officer contact information
- Free local and national media web-based search includes:
Over 675 Sources including major U.S. newspapers, major U.S. magazines, trade publications and newswires

[More information](#)

* [Check Availability](#)

People Locate and Media search results emailed within 24 hours. Department of Corrections search results emailed within 7-10 business days.

Advanced People Locate

[Detail](#)

Our standard people locate search with summary information from our premium database.



Here's what we search for:

- Current & previous addresses
- Phone numbers (if available)
- Possible aliases (including maiden name)

Instant First Name Search

[Detail](#)

Our basic first name search. Locate someone whose last name is unknown or may have

Here's what we search for:



- Full reported name
- Self service search
- Limited databases
- Available internet only

Unlimited Instant People Locate Search

[Detail](#)

24 hours of unlimited searches. Multiple searches from our self-service database at one

Here's what we search for:



- Complete addresses
- Full reported name (First and Last, Middle name or Initial if available)
- Results on your screen within seconds
- Search over 200,000,000 records instantly!
- Features SmartSearch and SmartResults technology!

Self service search
Limited databases
Available internet only

Instant People Locate Search

[Detail](#)

Our economy search. Includes basic information on one individual from our self-service



Here's what we search for:

- Complete addresses
- Full reported name (First and Last, Middle name or Initial if available)
- Bonus! Keep Searching at No Additional Cost Until You Get a Result

Self service search
Limited databases
Available internet only

Instant Death Records Search

[Detail](#)

Determine if someone is deceased.

Here's what we search for:



- Name of deceased and state of residence
- Date of birth/death
- Zip code of lump sum payment recipient (if available)

Instant State Criminal Search

[Detail](#)

Instantly check statewide criminal records.

Here's what we search for:



- Case number and charge
- Offense, arrest, file, and disposition date
- Disposition & sentence
- Results available online in seconds!

[Check Availability](#)

[FAQs](#)

Instant Nationwide Criminal Search

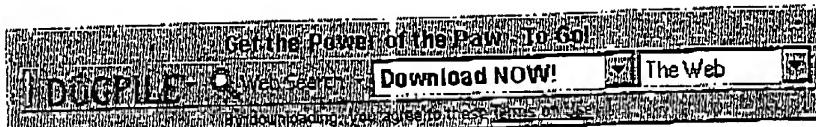
[Detail](#)

Instantly find out if someone has a criminal record in 45 states!

APPENDIX B



The First Name in Directory Assistance



Try My WhitePages! Please Login or Register Now for more features

FIND A PERSON

FIND A BUSINESS

REVERSE PHONE

REVERSE ADDRESS

AREA & ZIP CODES

**Your search returned no results.**

Please verify your information was entered correctly. Your search could be too specific. Try again with a broader range of search information.

Search Suggestions

• Benedetti, R• Benedetti• Bene

ADVERTISEMENT

Can't Find Them in the White Pages?

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Search 1000's of Public Databases with one click! Find Addresses, Property, Licenses, Court Records and much, much more...

First: riccardo

Last: benedetti

- riccardo benedetti Public Records Available. Search Here!
- Find riccardo benedetti Info Here!
- riccardo benedetti Address & Phone Number Available. Click Here!

Street:

City:

State:

Zip:

Submit

Find a Person

First Name Is Exactly Begins With

riccardo

Last Name Is Exactly Begins With

benedetti

City or ZIP Code

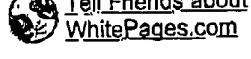
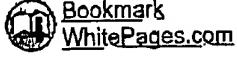
State or Province
Select a State

Search

» Find people in bulk - it's a hit

Search Hints & Options

- Check the spelling for first and last names, as well as the city. Please note, this search includes only for residents of the United States and Canada.
- Try a "wider" search by entering less information, like only a last name and state. Searches can also be performed by first initial or common nicknames. Using only a first initial is very effective, decreasing chances of spelling variations or errors.
- Try using the "Begins with" option for first or last names.



APPENDIX B

US SEARCH

APPENDIX C



Consumer Services Business Services

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[Home](#)[All Products](#)[People Search](#)[Background Search](#)[Court Records](#)[Searches About Me](#)[Business Users](#)[Subscription Searching](#)**Member Search**
 [Search by Name](#) [Search by Address](#)
First Name

Ex: John

Mid. Int.

Ex: W

Last Name

Ex: Smith

City

Ex: Los Angeles

State **Search Tips:**

If you aren't getting the results you want, try broadening your search by entering less information. For example, if you are searching for an individual, try just the last name. If you are searching for a company, try just the company name. You can also limit the search by entering more specific information, such as a city or state.

[HELP](#)
**Expand your search!**

Your search did not yield any records. Expand your search by entering less information or selecting all states. You may also try including only the first letter of the first name.

You can make the above changes and search again or you can enter additional information and let a US SEARCH specialist run your search.

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APPENDIX C

US SEARCH

APPENDIX D

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[Home](#)[All Products](#)[People Search](#)[Background Search](#)[Court Records](#)[Searches About Me](#)[Business Users](#)[Subscription Searching](#)**Member Search**[Search by Name](#) [Search by Address](#)

Street Address	3312 AVALON COURT	*	Ex: 5023 Alvern St
Apt#			Ex: 227
City	VOORHEES	*	Ex: Los Angeles
State	New Jersey	*	<input type="button" value="Submit"/>

Search Tips:

If you're not get when searching removing street (North South Ea identifiers (Street etc). So "123 S become "123 M;

[HELP](#)**Search Results:****1 Name/Age:****CATHY STANKIEWICZ,**
45[Address:](#)3312 AVALON CT
VOORHEES, NJ
08043**Search Tools**[More Like
This Name...](#) [Background Search](#)[Others at this
Address...](#) [Home Valuation](#)[Phone Search](#)**2 Name/Age:****JOSEPH STANKIEWICZ,**
43[Address:](#)3312 AVALON CT
VOORHEES, NJ
08043 [Background Search](#)[Others at this
Address...](#) [Home Valuation](#)[Phone Search](#)**3 Name/Age:****STEPHANIE WRIGHT,**
47[Address:](#)3312 AVALON CT
VOORHEES, NJ
08043 [Background Search](#)[Others at this
Address...](#) [Home Valuation](#)[Phone Search](#)**Premium**

APPENDIX D

APPENDIX E



Does a sexual predator live in your neighborhood?

Find out
for FREE!

The First Name in Directory Assistance

Try My WhitePages! Please Login or Register Now for more features

FIND A PERSON

FIND A BUSINESS

REVERSE PHONE

REVERSE ADDRESS

AREA & ZIP CODES

C Stankiewicz Public Records Search!

Search Information:

Searched terms: "stankiewicz, voorhees, NJ" [New search](#) | [Modify search](#) | [Printer-Friendly](#)
 Search took 0.14 seconds
 1 Result

Stankiewicz, C

3312 Avalon Court
 Voorhees, NJ 08043
 (856) 988-0714 → now 856-768-0624

[C Stankiewicz Is In Our Database! Click Here](#)
[Did you go to school with C Stankiewicz?](#)
[C Stankiewicz - More Info Available - Click Here!](#)

» 1 / 1

[More Info for C Stankiewicz](#)[E-mail to Friends](#)[Map this Location](#)

[Add to Address Book](#)
[Save to Outlook®](#)



Send
Fresh
Flowers



Instant
Background
Check



Find
School
Friends



Instant
Criminal
Check

Public Record Search

First Name

Last Name

State

More Options

- [Locate Anyone](#)
- [Address Finder](#)
- [Reverse Lookup](#)
- [Criminal Search](#)
- [Unlisted Numbers](#)
- [Public Records](#)
- [Background Search](#)

Advanced People
SearchPowered by
Intellius.com

Sir
You
are

I am
W
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18
✓

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APPENDIX E

APPENDIX G



Does a sexual predator live in your neighborhood?

Find out
for FREE!

The First Name in Directory Assistance

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FIND A PERSON

FIND A BUSINESS

REVERSE PHONE

REVERSE ADDRESS

AREA & ZIP CODES

David J Fennimore Public Records Search!

Spo

Search Information:

Priv

Searched terms: "fennimore, haddonfield, NJ" [New search](#) | [Modify search](#) | [Printer-Friendly](#)
1 Result Search took 0.19 seconds

Inve

Fennimore, David J

Worl

44 Treaty Elm Lane
Haddonfield, NJ 08033
(856) 428-4821

Anyti

[David J Fennimore Is In Our Database! Click Here](#)
[Did you go to school with David J Fennimore?](#)
[David J Fennimore - More Info Available - Click Here!](#)

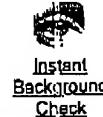
Fede

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Dete

[More Info for David J Fennimore](#)

www.b

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[Save to Outlook®](#)

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Free

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Hill, I

www.fi

APPENDIX G